



MEMO ENDORSED

September 4, 2020

Hon. Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: United States v. Brent Borland, 18 Cr. 487 (KPF)

Dear Judge Failla,

On August 4, 2020, the Court heard oral argument by the parties concerning an aspect of the guidelines calculation in Mr. Borland's case. At the conclusion of the hearing, the Court asked the parties to advise within 30 days about how the parties wished to proceed in regards to sentencing. I write today, with the consent of the government, to ask the Court's indulgence and to grant the parties an additional thirty days to report to the Court.

Since August 4th, the defense and the government have engaged in discussions about whether there remained both factual and legal objections to the PSR, and whether the parties believed a *Fatico* hearing would be required to resolve outstanding disputes. We believe significant progress has been made toward a determination that a *Fatico* hearing may not be necessary. That said, certain issues remain unresolved, but we are working cooperatively in an effort to reach agreement. That process will take some additional time, however, which is why we respectfully request leave to take another 30 days to report back to the Court. We are optimistic that we will have a concrete path forward within that time period.

Thank you for your consideration.

Respectfully,

/s/

Florian Miedel
Christopher Madiou
Attorneys for Brent Borland

Cc: All Counsel

Application GRANTED. The parties are hereby ORDERED to advise the Court of the status of the case by **October 5, 2020**.

SO ORDERED.

Dated: September 4, 2020
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE